

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated January 14, 2004. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 2-13 are under consideration in this application. Claim 1 is being cancelled without prejudice or disclaimer. Claims 2-6 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicants' invention. New claims 9-13 are being added to recite other embodiments described in the specification.

Additional Amendments

The claims and the specification are being amended to correct formal errors and/or to better recite or describe the features of the present invention as claimed. All the amendments to the claims are supported by the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

Allowed Subject Matters

Claims 2 and 4 would be allowed if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

As claims 2 and 4 are being rewritten in independent form to include all the limitations of the base claim and any intervening claims, they are in condition for allowance.

Prior Art Rejection

Claims 1, 3, 5 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,945,334 to Besemer et al. (hereinafter "Besemer"). This rejection has been carefully considered, but is most respectfully traversed, as more fully discussed below.

The hybridization reaction apparatus (Fig. 12; p. 15) for performing hybridization reaction between a biological substance immobilized on a substrate 1 and a biological substance contained

in a solution, as now recited in claim 3, comprising: a case 3 for accommodating the substrate 1 immobilized with the biological substance; an injecting member for injecting a solution into the case 3; a discharging member for discharging the solution from the case 3; and an agitating member 17a for agitating the solution injected into the case 3. In particular, the agitating member 17a is supported exclusively at a center supporting point (as clearly shown in Fig. 12; p. 15, line 5) thereof so as to be shaken repeatedly to tilt two alternate ends of the case up and down in a see-saw manner (p. 15, lines 11-14; Fig. 12).

Applicant respectfully submits that none of the cited prior art references discloses, teaches or suggests “such an agitating member being supported exclusively at a center supporting point thereof so as to be shaken repeatedly to tilt two alternate ends of the case up and down in a see-saw manner” according to the invention.

In contrast, Besemer’s vortexer 2910 (Fig. 29) “*is activated to **vibrate** the chip package, similar to a paint mixer. In some embodiments, the vortexer may vibrate the package at about 3000 cycles per minutes. The motion mixes the targets in the fluid, shortening the incubation period. In some embodiments, the vortexer **rotates** the chip package until hybridization is completed* (col. 19, lines 43-49)”. Besemer fails to specify how the vortexer 2910 vibrates. However, based upon the definition of “vortex”: “a spiral motion of fluid within a limited area, especially a whirling mass of water or air that sucks everything near it toward its center,¹” U.S. Pat. No. 4,415,270 to Heinis et al. (hereinafter “Heinis”) serves as a good example. Heinis’ paint mixer container clamping device clamps a paint container 20 with TWO jaws 21, 22 to rock the paint container 20 “*through an arc of the order of 30°, that is 15° on each side of the perpendicular* (col. 3, lines 9-11).” “*The clamp jaws 21, 22 are freely mounted so that they can rotate with the container 20 about its longitudinal axis* (abstract)”. In short, the device is supported at **TWO** center supporting points (rather than just “**ONE**”) thereof so as to be rocked repeatedly. In addition, the device **rocks and rotates** the paint container 20 in a spiral manner, rather than **just shakes** in a see-saw manner (without rotation).

Applicants contend that Besemer fails to teach or disclose each and every feature of the present invention as disclosed in independent claim 3. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action.

¹ *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company.

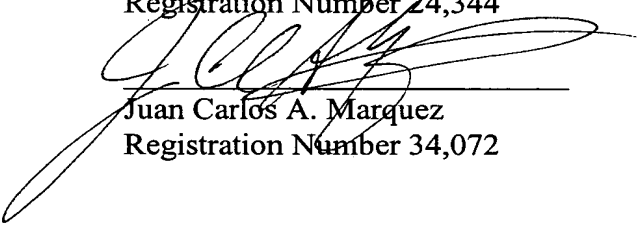
The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicant respectfully contends that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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